

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES HARRISON
PETITIONER,

.V.

WARDEN DAVID L. WINN,
RESPONDENT.

FILED
CLERKS OFFICE

2006 NOV 29 P 2:19

CASE CIVIL: NO: 05-40021-MLW
U.S. DISTRICT COURT
DISTRICT OF MASS.

MOTION PURSUANT TO FED. R. OF CIV. PROC. 28 U.S.C. SECTION 2248

Comes Now, Petitioner Charles Harrison, acting in propria persona and in want of counsel and would aver as follows;

On August 1, 2006, This Honorable Court issued an order requesting the petitioner within 30 days to file an amended petition asserting all of the Court's approved claims.

Petitioner complied and filed his amended petition. The court also ordered the respondent to file a revised response addressing these claims within 14 days. The respondent failed to traverse the claims alleged in petitioner's amended petition on their merit, but simply argued that petitioner should be procedurally barred from bringing these claims pursuant to section 2241. 28 U.S.C. section 2248 states, "The allegations of a return to the writ of habeas corpus or an answer to the order to show cause in a habeas corpus proceedings, if not traversed, shall be accepted as true except to the extent that the Judge finds from the evidence that they are not true.

Therefore, all the claims in petitioner's amended petition should be accepted as true, except to the extent this Court from the evidence can deem them not true.

CONCLUSION

PETITIONER HARRISON MOVES THIS HONORABLE COURT FOR IMMEDIATE DISCHARGE, BECAUSE HE HAS PROVEN BEYOND A PREPONDERENCE FROM THE TRIAL RECORD AND GRAND JURY TRANSCRIPTS IN HIS TRIAL THAT HE IS ACTUALLY INNOCENT OF THE CHARGED CONSPIRACY TO POSSESS AND DISTRIBUTE METHAMPHETAMINE AND AMPHETAMINE.

A handwritten signature in cursive script, appearing to read "Charles Harrison", is written over a horizontal line.

CHARLES HARRISON
REG # 09856-002
F.M.C. DEVENS
POST OFFICE BOX 879
AYER, MA 01432-0879

CERTIFICATE OF SERVICE

I DO CERTIFY THAT I DID SERVE THE AUSA SABITA SINGH AT THE BELOW-STATED ADDRESS BY PLACING IN THE HANDS OF PRISON OFFICIALS ONE COPY OF MY MOTION PURSUANT TO 2248 TO BE PLACED INTO THE UNITED STATES MAIL ON THE BELOW-STATED DATE

UNITED STATES ATTORNEY'S OFFICE
DISTRICT OF MASSACHUSETTS
LOHN J. MOAKLEY COURTHOUSE
SUITE 9200
1 COURTHOUSE WAY
ROBTON, MASSACHUSETTS 01469

DATE 11/29/2006

A handwritten signature in cursive script, reading "Charles Harrison", is written over a horizontal line.

CHARLES HARRISON #09856-002
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